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No. 09-326

Supreme Court, U.S.
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IN THE

Supreme Court of the United States

SUZAN S. HARJO, *et al.*,

Petitioners,

v.

PRO-FOOTBALL, INC.,

Respondent.

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT

BRIEF OF THE SOCIAL JUSTICE ADVOCACY GROUP AS *AMICI CURIAE* IN SUPPORT OF PETITIONERS

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INTEREST OF *AMICI CURIAE* [1]

Amici curiae the Social Justice Advocacy Group include non-profit, religious, and socially responsible investment entities and associations that are advocates of social justice in the public arena and investment community.[2] *Amici curiae* believe strongly that cultural symbols and epithets that demean, and promote negative stereotypes of, significant groups within American society set back social progress and equality. *Amici curiae* have a substantial interest in correcting the improper analysis undertaken by the Court of Appeals in this case, which held that the equitable defense of *laches* bars Petitioners' meritorious challenge to Respondent's disparaging trademark — "The Redskins." The Court of Appeals' approach to this case, if allowed to stand, compromises the social justice goals of *amici curiae* and Petitioners in this case by permitting disparaging marks to reap the benefits of government registration in perpetuity.

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1. Pursuant to this Court's Rule 37.6, *amici curiae* affirm that no counsel for any party has authored this brief in whole or in part, that no such counsel or party made a monetary contribution to fund the preparation or submission of this brief, and that no person other than *amici curiae* and their counsel made such a monetary contribution. Pursuant to this Court's Rule 37.2, counsel of record for both Petitioners and Respondent were notified of the intent to file this brief at least ten days prior to the filing of this brief, and the parties' letters consenting to the filing of this brief have been filed with the Clerk's office.

2. The individual interests of the *amici* entities and associations are set forth in the accompanying Appendix to this brief.

SUMMARY OF ARGUMENT

On June 10, 1964, the United States Senate voted to approve the historic Civil Rights Act of 1964. Speaking on the Senate floor, then-Minority Leader Everett Dirksen proclaimed, in the words of Victor Hugo, "[s]tronger than all the armies is an idea whose time has come." He continued: "The time has come for equality of opportunity in sharing in government, in education, and in employment. It will not be stayed or denied. It is here!" As recently as October 7, 2009, the United States Senate resolved that the time has come to recognize "years of official depredations, ill-conceived policies, and the breaking of covenants by the Federal Government regarding Indian tribes" and to apologize on behalf of the people of the United States for "the many instances of violence, maltreatment, and neglect inflicted on Native Peoples . . . ." Native American Apology Resolution, S.Amdt. 2598 to H.R. 3326 (2009). The time has also come to put aside epithets that are disparaging against Native Americans (and others) that over time have come to enjoy trademark protection.

Amici curiae urge the granting of the writ to resolve the split among the circuit courts as to the applicability of the doctrine of *laches* to cancellation petitions brought pursuant to Section 14(3) of the Trademark Act of 1946 (the "Lanham Act").[3] The equitable defense of *laches* — even if legally permissible (which, under the circumstances, it is not) — should not be applied to forestall meritorious consideration of a trademark

3. This circuit split is addressed in detail in the Petition for Writ of Certiorari ("Petition") at 8-10.

cancellation petition on disparagement grounds. Intervening years of social progress should not be discarded merely because time has gone by without a challenge to the trademark. *Amici* highlight the social justice implications of the Petition and provide critical context to assist this Court in reviewing the Petition.

Congress made a considered choice in the Lanham Act to grant limited trademark protection subject to, *inter alia*, denial or cancellation when the trademark "[c]onsists of or comprises immoral, deceptive, or scandalous matter; or matter which may disparage . . . persons, living or dead, . . . or bring them into contempt, or disrepute . . . ." 15 U.S.C. § 1052(a). Congress believed that such disparaging trademarks, and other improper uses of the trademark laws, should be prevented and discouraged. Therefore, Congress made clear that, in certain instances, such as this case, a petition to cancel an improper trademark may be brought "at any time." 15 U.S.C. § 1604(3).

These provisions of the Lanham Act were in effect when the trademark "The Redskins" — now owned by Respondent Pro-Football, Inc. — was registered in 1967. Accordingly, Respondent was indisputably on notice in 1967 of the possibility of a petition to cancel the trademark on disparagement grounds. In other words, Respondent may not credibly argue that it has relied, to its detriment, on a perpetual privilege bestowed upon it by the government.

In addition to Congress' intent behind the statutory language at the core of this case, Petitioners have asserted claims that cannot be separated from a broader

social context. Disparagement of historically disadvantaged groups is not to be tolerated in the United States, nor should it receive the benefit of governmental trademark protection. Redress for disparagement, like other social wrongs, frequently follows changing social attitudes, which are not, as law, equity, and prudence recognize, to be limited by arbitrary time constraints. Accordingly, *amici curiae* believe strongly that the Petition should be granted.

ARGUMENT

I. *Certiorari* Should Be Granted Because Public Interest Concerns Mandate That *Laches* Should Not Have Been Dispositive Of Petitioners' Cancellation Petition

A. Congress Clearly Intended that Certain Marks Not Be Afforded Trademark Protection in Perpetuity

Prudent public policy compels the conclusion that the doctrine of *laches* has no place in the statutory framework at issue. *See* Petition at 10-16.

The Court of Appeals' support of an equitable framework permitting a *laches* defense when a time limit is specifically *not* set forth in Section 14(3) of the Lanham Act, 15 U.S.C. § 1604(3), runs counter to the goals underlying that Section as well as Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a). These provisions, read together, evince congressional designs that disparaging trademarks *not* be rendered incontestable due to time limitations. Specifically, Section 14(3) of the Lanham Act

provides that a petition seeking cancellation of a trademark registered "contrary to the provisions" of Section 2(a) may be brought "at any time." Section 2(a) provides, in relevant part, that no trademark shall be registered if it consists of "matter which may disparage . . . persons, living or dead, . . . or bring them into contempt, or disrepute . . . ."

Critically, when Congress amended the trademark laws in 1946, setting forth additional bases for cancellation "at any time" under Section 14 of the new Lanham Act, it did so for the purpose of "clarifying and strengthening those features of the bill *preventing or discouraging* ***any*** *improper use of trade-marks . . . .*" S. Rep. No. 79-1333, at 2 (1946), *reprinted in* 1946 U.S.C.C.A.N. 1274, 1276 (emphasis added). Section 2(a) states plainly that disparaging matter is barred from registration. It follows, then, that such matter is an "improper use of trade-mark" that Congress sought to prevent or discourage. Allowing such marks to be challenged "at any time" furthers this purpose, clearly, while applying *laches* in this context dilutes the force of the "at any time" clause in Section 14(3). The Court of Appeals should not have doubted Congress' desire to eliminate anti-social uses of the federal trademark laws.

The Trademark Trial and Appeal Board recognized Congress' aim, explaining that "there exists a broader interest — an interest beyond the personal interest being asserted by the present petitioners — in preventing a party from receiving the benefits of registration where a trial might show that respondent's marks hold a substantial segment of the population up

to public ridicule." *Harjo v. Pro Football, Inc.*, 30 U.S.P.Q.2d (BNA) 1828, 1994 TTAB LEXIS 9, at *10-11 (T.T.A.B. Mar. 11, 1994).

Application of *laches* to bar consideration of the cancellation petition on the merits by the District Court and Court of Appeals all but nullifies the purpose of Section 2(a) and runs counter to congressional intent. A court may not alter Congress' command and determine that a trademark — subject to challenge "at any time" — has been registered long enough that cancellation would "prejudice" the mark owner. Under this analysis, any mark, no matter how disparaging, scandalous, or immoral, eventually could become incontestable, permitting trademarks that never should have been registered in the first instance to remain registered in perpetuity. *See, e.g., In re Riverbank Canning Co.*, 95 F.2d 327, 329 (C.C.P.A. 1938) ("The field is almost limitless from which to select words for use as trade-marks, and one who uses debatable marks does so at the peril that his mark may not be entitled to registration."). The drafters of the Lanham Act did not intend this outcome. *See Marshak v. Treadwell*, 240 F.3d 184, 194 (3d Cir. 2001) (Alito, J.) (noting that if Congress had intended Section 14(3) to be read to include a tolling element, the "drafters of this provision would surely have selected different language").

B. The Trademark Trial and Appeal Board and the Federal Circuit Have Consistently Declined to View Disfavored Marks in a Time Vacuum

The Trademark Trial and Appeal Board and the Federal Circuit have examined scandalous, immoral, and disparaging trademarks in light of changing times, and not simply with an eye to fixing what is disparaging at any single point in time. This approach is faithful to Congress' intent that the trademark laws not be abused by the registration of such marks. *See In re McGinley*, 660 F.2d 481, 486 (C.C.P.A. 1981) (Section 2(a) of the Lanham Act is meant to ensure that particular marks "not occupy the time, services, and use of funds of the federal government").

The public interest Congress sought to be furthered in this regard requires that, on occasion, certain types of marks be barred or stricken from the register. The courts most familiar with the application of the Sections of the Lanham Act at issue in this case — the Board and the Federal Circuit — recognize that the doctrine of *laches* contravenes this congressional policy. As the Board explained in *Saint-Gobain Abrasives, Inc. v. Unova Industrial Automation Systems, Inc.*, 66 U.S.P.Q.2d (BNA) 1355, 2003 TTAB LEXIS 102 (T.T.A.B. Mar. 4, 2003):

> It is well established that the equitable defenses of laches and acquiescence are not available against claims [under Section 14(3)]. The oft-stated rationale for this principle is that it is within the public interest to have certain registrations stricken from the

> register and that this interest or concern cannot be waived by the inaction of any single person or concern no matter how long the delay persists.

Id., at *13-14 (citations omitted).

The public interest noted by the Board is even greater in the context of grounds for cancellation under Section 2(a), which have been found repeatedly to reflect changing social values. For instance, although the Board has addressed Section 2(a) claims based on disparagement far less frequently than it has confronted, *inter alia*, purportedly "immoral" and "scandalous" marks (*see Harjo v. Pro-Football, Inc.*, 50 U.S.P.Q.2d (BNA) 1705, 1999 TTAB LEXIS 181, at *108 (T.T.A.B. Apr. 2, 1999) ("*Harjo II*") ("vast majority" of reported cases involving Section 2(a) have concerned "whether the marks consisted of scandalous matter")), the recognition of fluid values in those contexts applies with equal, if not greater, strength to disparagement. Each ground for cancellation points to "intangible moral concepts . . . vary[ing] in meaning from one period to another." *In re Thomas Laboratories, Inc.*, 189 U.S.P.Q. (BNA) 50, 52 (T.T.A.B. 1975) (quoting *Parmalee v. United States*, 113 F.2d 729, 731 (D.C. Cir. 1940)); *see also United States v. Kennerley*, 209 F. 119, 121 (S.D.N.Y. 1913) (Hand, J.) ("Such words as [obscenity] do not embalm the precise morals of an age or place; while they presuppose that some things will always be shocking to the public taste, the vague subject-matter is left to the gradual development of general notions about what is decent.").

Congress expressly gave courts the authority to examine such "intangible moral concepts" over time, not in snapshots (as of a moment). Thus, appropriately, changing social attitudes are central to the evaluation of claims asserted under Section 2(a). As the Federal Circuit has observed:

> [In applying Section 2(a)], we must be mindful of ever-changing social attitudes and sensitivities. Today's scandal can be tomorrow's vogue. Proof abounds in nearly every quarter, with the news and entertainment media today vividly portraying degrees of violence and sexual activity that, while popular today, would have left the average audience of a generation ago aghast. To appreciate the extreme changes in social mores over time, one need only glance at a historical survey of Board decisions regarding refusals to register marks containing particular words deemed scandalous.

In re Mavety Media Group, 33 F.3d 1367, 1371 (Fed. Cir. 1994). *See also In re Blvd. Entm't*, 334 F.3d 1336, 1340 (Fed. Cir. 2003) ("whether [a] mark consists of or comprises scandalous matter must be determined . . . in the context of contemporary attitudes, keeping in mind changes in social mores and sensitivities") (citations omitted).

II. *Certiorari* Should Be Granted Due To The Compelling Social Justice Interests At The Core Of Petitioners' Case

The courts below concluded Petitioners, in essence, "slept on their rights."[4] Petitioners, however, pursuing social justice have successfully appealed to the courts, and to other branches of government, repeatedly over time, seeking redress for wrongs committed decades, if not longer, before redress has been, or appeared, viable. *See generally, e.g.*, Charles J. Ogletree, Jr., *Repairing the Past: New Efforts in the Reparations Debate in America*, 38 Harv. C.R.-C.L. L. Rev. 279 (2003) (slavery reparations); Leslie T. Hatayima, *Righting a Wrong: Japanese Americans and the Passage of the Civil Liberties Act of 1988* (Stanford University Press 1993) (redress for internment of Japanese Americans during World War II). *See also Brown v. Bd. of Educ.*, 347 U.S. 483 (1954) (racial segregation in public schools); *Lawrence v. Texas*, 539 U.S. 558 (2003) (gay rights).

To illustrate, in *United States v. Virginia*, 518 U.S. 515 (1996), this Court confronted the question whether the single-sex status of the Virginia Military Institute

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4. In *Harjo*, the lower courts, applying the doctrine of *laches*, have wrongly exercised the power of the state to protect Respondent's business interests in disparaging a substantial segment of the population. Placing the force of law behind Respondent's actions, in a manner that could shield those actions in perpetuity, makes the course adopted by the courts below all the more problematic. *See generally Shelley v. Kraemer*, 383 U.S. 1 (1948) (holding that judicial enforcement of private interests that discriminate violates the Equal Protection Clause of the Fourteenth Amendment).

— a status dating back to its founding in 1839 — violated the Equal Protection Clause of the Fourteenth Amendment. The impetus for the challenge came only "[i]n 1990, prompted by a complaint filed with the Attorney General by a female high-school student seeking admission to VMI . . . ." *Id.* at 523. Addressing the broader backdrop of the suit, this Court observed:

> [O]ur Nation has had a long and unfortunate history of sex discrimination. Through a century plus three decades and more of that history, women did not count among voters composing 'We the People'; not until 1920 did women gain a constitutional right to the franchise. And for a half century thereafter, it remained the prevailing doctrine that government, both federal and state, could withhold from women opportunities accorded men so long as any 'basis in reason' could be conceived for the discrimination.

Id. at 531 (citations and quotations omitted).

At no time did the Court determine that any claim challenging the discriminatory policy of VMI began to run in 1839, resulting in a time bar of any sort. Instead, the Court took into account social changes over time and considered a challenge to this 1839 policy, on the merits, in 1996. Petitioners challenging the VMI policy benefitted from "an emerging awareness" in society at large of the broader contours of their liberty and equality. *See Lawrence*, 549 U.S. at 572. In short, to paraphrase Victor Hugo, support was found for an idea "whose time has come." The plain reality is that women,

or members of any other historically disadvantaged group, such as Petitioners, are placed several steps behind the historically favored when advocating for a level playing field.

It is unjust to punish Petitioners in this case for a purported absence of immediate action against a continuing wrong when its repugnancy becomes recognized slowly over time. In fact, an early challenge, before the ripening of changing societal views runs the risk of early dismissal and precedent that is difficult to overcome. *See, e.g.*, Juan Williams, *Thurgood Marshall: American Revolutionary* 174-208 (Three Rivers Press 1998) (discussing the NAACP's decades-long evolution from a 1930s strategy seeking equalized black and white facilities, to a strategy of directly challenging segregation in the wake of *Sweatt v. Painter*, 339 U.S. 629 (1950)); *American Revolutionary* at 196 (noting Marshall's persistent "doubts about a strategy of asking the courts to rule that segregation was unconstitutional").

The social justice interests involved in this case go far beyond Native Americans. Either a trademark is disparaging or it is not. And if it is, it should not enjoy the perpetual protections of the United States government. In this case, disparagement caused by the use of certain epithets targeting Native Americans, such as "Redskins," continues the "savage Indian" myth — a myth that demeans, offends, and undermines Native Americans. Certainly, if one were to replace the trademark "redskins" with one of many racial and offensive terms or epithets targeting numerous other groups, the social justice considerations raised by that

trademark would be clear. Of course, they are no less clear here. No legal citation is required to make the comparison evident, as similar racial terms and epithets are plainly not countenanced. And they are certainly not acceptable as registered trademarks of well-known entities within American culture — in this case, a professional sports team located in the nation's capital whose activities are broadcast and recounted throughout the country. *Cf. In re Heeb Media LLC*, 89 U.S.P.Q.2d (BNA) 1071 (T.T.A.B. 2008) (upholding refusal of registration of "Heeb" as trademark for clothing and entertainment services; finding mark disparaging to Jewish community under Section 2(a)). One cannot imagine that the most disparaging of names sometimes used to describe minorities would today enjoy the benefits of trademark protection.

Social justice and respect for fellow individuals clearly weigh in favor of this suit proceeding. There never has been any real doubt that the name "redskins" is offensive and disparaging to Native Americans. As the Board recognized, from at least the 1940s to the present, "the media has used Native American imagery in connection with respondent's team . . . in a manner that often portrays Native Americans as either aggressive savages or buffoons . . . [with, *e.g.*,] many headlines refer[ring] to the 'Redskins' team, players or managers 'scalping' opponents, seeking 'revenge,' 'on the warpath,' and holding 'pow wows'; or us[ing] pidgin English, such as 'Big Chief Choo Choo — He Ponder.'" *Harjo II*, 1999 TTAB LEXIS 181, at *151. *See also id.*, at *152 (noting that "excerpts from newspapers and video excerpts of games . . . show[] respondent's team's fans dressed in costumes and engaging in antics that

clearly poke fun at Native American culture and portray Native Americans as savages and buffoons"); *In re Squaw Valley Dev. Co.*, 80 U.S.P.Q.2d (BNA) 1264, 2006 TTAB LEXIS 189, at *43-44 (T.T.A.B. May 23, 2006) (finding "a substantial composite of Native Americans would consider the term SQUAW, when its meaning is a Native American woman or wife, to be disparaging *regardless of context*, including in connection with applicant's identified [retail sporting] goods and services") (emphasis in original).

In *Squaw Valley*, a significant basis for the Board's disparagement finding included "legislation enacted in five states that rename[d] geographic sites having the term 'squaw' or ban[ned] the term 'squaw' from place names in public places[.]" *Id.*, at *32-35. Similarly, with respect to terms such as "redskins" and Native American team mascots:

- In 2002, the Metropolitan Washington Council of Governments passed, overwhelmingly, a resolution requesting that Respondent change its name, deeming it "demeaning and dehumanizing . . . ." (Andrew DeMillo, *COG Asks Redskins to Drop 'Demeaning' Team Name*, Wash. Post, Jan. 10, 2002.) This followed a similar resolution passed by the D.C. Council in 2001, finding that "[t]he team name 'Redskins' is offensive and hurtful to many Native Americans who are citizens of this nation and to all people who reject racial stereotypes and bigotry as socially and morally unacceptable." *Id.* (The text of the D.C. Council Resolution is available at http://dccouncil.washington.dc.us/images/00001/20011113143030.pdf.);

- The United States Commission on Civil Rights has called for an end to the use of Native American imagery and tradition in sports "no matter how popular . . . ." (Press Release, Press Advisories & Public Affairs, U.S. Comm'n on Civil Rights, *Statement of U.S. Comm'n on Civil Rights on the Use of Native American Images and Nicknames as Sports Symbols* (Apr. 16, 2001), *available at* http://www.usccr.gov/press/archives/2001/041601st.htm);

- The NCAA has banned such mascots during postseason tournaments (Jill Preschel, *NCAA Takes Aim at Indian Mascots: Nicknames Deemed 'Hostile or Abusive' Banned During Post-Season*, CBS News, Aug. 5, 2005, *available at* http://www.cbsnews.com/stories/2005/08/05/sportsline/main762542.shtml);

- Native American names and mascots have been banned by school districts in cities such as Los Angeles (Doug Smith, *L.A. School Board Bans Mascots with Indian References*, L.A. Times, Sept. 9, 1997, *available at* http://articles.latimes.com/1997/sep/09/local/me-36174) and Seattle (Deborah Bach, *School Ban on Tribal Nicknames Upheld*, Seattle P.I., Mar. 11, 2003);

- Efforts are ongoing in states such as California (Joe Spano, *Statewide Ban on Indian Mascots Is Considered*, L.A. Times, Apr. 13, 2005, *available at* http://articles.latimes.com/2005/apr/13/local/me-mascot13) and Oklahoma (Randy Krehbiel, *Tulsa Group Endorses Bill to Drop*

American Indian Mascots, Tulsa World, Jan. 30, 2009, *available at* http://www.tulsaworld.com/news/article.aspx?subjectid=11&articleid=20090130_298_0_TheTul407297) to follow these school districts' leads; and

- In 2005, the American Psychological Association called for the "immediate retirement" of American Indian mascots, symbols, images, and personalities by athletic and other organizations, deeming their use "an offensive and intolerable practice to American Indian Nations that must be eradicated . . . ." (*APA Resolution Recommending the Immediate Retirement of American Indian Mascots, Symbols, Images, and Personalities by Schools, Colleges, Universities, Athletic Teams, and Organizations*, *available at* http://www.apa.org/releases/ResAmIndianMascots.pdf.)

These developments, in recent years, have been the result of often slowly developing pressure for change by Native Americans seeking freedom from disparaging epithets. Over four decades ago, in 1968, the National Congress of American Indians launched a campaign to address stereotypes found in print and in other media. Arlene Hirschfelder & Martha Kreipe de Montaño, *The Native American Almanac: A Portrait of Native America Today* 142-43 (Prentice Hall 1998). Since then, numerous sports teams have changed their Native American names, and certain related mascots have been discontinued. But, even these limited changes have been difficult to achieve and have been met with substantial resistance. For instance, in 1972, Stanford University abandoned the name "Indians," after the Stanford

Student Senate and then-University President Richard Lyman sided with Native American students at Stanford and from college campuses across California, who had protested the name as a cultural insult. *See* http://www.gostanford.com/school-bio/stan-nickname-mascot.html. At other academic institutions, such as the University of Illinois, change occurred only very recently, and after decades of protest. *See* Courtney Linehan, *Chief Illiniwek No Longer Dances at Sporting Events: Trustees Lay 80-Year Symbol to Rest After Decades of Protests, Debates*, The Daily Illini, July 22, 2007, *available at* http://www.dailyillini.com/sports/2007/07/22/chief-illiniwek-no-longer-dances-at-sporting-events.

These changes underscore the basic reality that significant progress in social justice often is a process that occurs over time. In this case, Respondent's trademark is disparaging to Petitioners and Native Americans generally. The objectives of the statute and social justice are best served in this case by a judicial process that permits a meritorious challenge to a disparaging trademark to be considered "at any time," as the Lanham Act expressly commands.

CONCLUSION

Amici curiae therefore strongly urge this Court to grant Petitioners' request for review. The petition for a writ of certiorari should be granted.

Respectfully submitted,

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APPENDIX

APPENDIX

INDIVIDUAL STATEMENTS OF INTEREST OF *AMICI CURIAE*

BOSTON COMMON ASSET MANAGEMENT, LLC

Boston Common Asset Management is an employee-owned investment firm dedicated to the pursuit of financial return and social change. Its efforts on the social dimension include research, shareholder advocacy, and community development investing. Boston Common seeks to invest in stocks of companies with good social records and to engage companies on their practices and encourage reform. Boston Common was founded in 2002.

CALVERT ASSET MANAGEMENT CO. INC.

Calvert Asset Management Co. Inc. ("Calvert") has been a leader in the field of sustainable and responsible investing for over 25 years, demonstrating that investors may manage risk and enhance long-term portfolio performance by investing in well-governed, sustainable companies. Calvert offers more than 50 equity, bond, cash, and asset allocation investment strategies, a number of which feature integrated corporate sustainability and responsibility research. Seeking to influence corporate and business practices through shareholder advocacy, nongovernmental organizations and government agencies, Calvert is actively committed to transparency and corporate responsibility as core values.

Appendix

CATHOLIC HEALTH EAST

Catholic Health East ("CHE") is a multi-institutional Catholic health system, which is co-sponsored by 9 religious congregations and Hope Ministries, a Public Juridic Person within CHE. Based in Newtown Square, Pennsylvania, the System provides the means to ensure the continuation of the Catholic identity and operational strength of the sponsors' health ministries, which are located within 11 eastern states from Maine to Florida. The System includes 34 acute care hospitals, four long-term acute care hospitals, 25 freestanding and hospital-based long-term care facilities, 14 assisted-living facilities, four continuing care retirement communities, eight behavioral health and rehabilitation facilities, 32 home health/hospice agencies, and numerous ambulatory and community-based health services. CHE facilities employ approximately 54,000 full-time employees as partners in ministry.

CATHOLICS IN ALLIANCE FOR THE COMMON GOOD

Catholics in Alliance for the Common Good ("CACG") is a non-partisan, non-profit, 501(c)(3) organization dedicated to promoting the fullness of the Catholic Social Tradition in the public square. Founded in July of 2005, CACG's mission is to provide information to Catholics about Church social teaching as it relates to public participation in their society, and to advance the prophetic voice of the Catholic social tradition. From its earliest inception, CACG has served as an "open-

source" organization. As such, CACG works to build and support the Catholic social justice movement through media outreach and strategic coordination. CACG is a resource for Catholics inspired by faith's core teachings about justice, human life and dignity, peace, poverty and the common good.

THE EPISCOPAL DIOCESE OF LOS ANGELES, NATIVE AMERICAN MINISTRIES

Native American Ministries serves as a link between the Native American community and the Diocese by engaging congregations in a call of welcome and inclusiveness. The Ministries' work includes inculturated liturgies, information forums, and congregational development tools.

FIRST PEOPLES WORLDWIDE

First Peoples Worldwide is one of the only international organizations led by Indigenous Peoples and dedicated to the mission of promoting Indigenous economic determination and strengthening Indigenous communities through asset control and the dissemination of knowledge. The Fredericksburg, Virginia-based organization has been at the helm of studying, devising and implementing solutions to Indigenous communities' issues. First Peoples works to stop and reverse injustices by equipping Indigenous Peoples with resources to challenge government, corporation and conservation policies. At the same time, First Peoples is building capacity in Indigenous communities to play an active role in conservation.

Appendix

THE GENERAL BOARD OF CHURCH AND SOCIETY OF THE UNITED METHODIST CHURCH

The General Board of Church and Society ("GBCS") of the United Methodist Church is one of four international general program boards of The United Methodist Church. GBCS's responsibilities include analyzing long-range social trends and their underlying ethical values, exploring systemic strategies for social change and alternative futures, and conducting programs to inform, motivate, train, organize, and build networks for action toward social justice throughout society.

INTERFAITH CENTER ON CORPORATE RESPONSIBILITY

For thirty-eight years the Interfaith Center on Corporate Responsibility ("ICCR") has been a leader of the corporate social responsibility movement. ICCR's membership is an association of 275 faith-based institutional investors, including national denominations, religious communities, pension funds, foundations, hospital corporations, economic development funds, asset management companies, colleges, and unions. ICCR and its members press companies to be socially and environmentally responsible. Each year ICCR-member religious institutional investors sponsor over 200 shareholder resolutions on major social and environmental issues.

Appendix

THE LEAGUE OF UNITED LATIN AMERICAN CITIZENS

The League of United Latin American Citizens ("LULAC") is the largest and oldest Hispanic Organization in the United States. LULAC advances the economic condition, educational attainment, political influence, health and civil rights of Hispanic Americans through community-based programs operating at more than 700 LULAC councils nationwide. The organization involves and serves all Hispanic nationality groups. LULAC is committed to helping motivated investors create portfolios that reflect their own social priorities and concerns, generating healthy returns while cultivating opportunities to make a difference.

NATURAL INVESTMENTS, LLC

Natural Investments, LLC is committed to helping motivated investors create portfolios that reflect their own social priorities and concerns. Natural Investments have been leaders in the field of values-based investing for over 20 years, and wrote two of the leading books on the topic, Investing from the Heart (1992) and Investing With Your Values: Making Money and Making a Difference (2000).

PACIFIC AMERICAN SECURITIES, LLC

Pacific American Securities, LLC ("PAS") is a broker-dealer founded in 1997. PAS is a certified, minority and woman owned business enterprise.

Appendix

RIO GRANDE NATIVE AMERICAN CHURCH

The Rio Grande Native American Church is organized in order to continue the restoration and preservation of the traditional Beliefs of their Coahuiltecan ancestors, who were indigenous to present day Rio Grande Plains of South Central Texas. The mission of the Rio Grande Native American Church is to restore, maintain and preserve the spiritual beliefs of the Indigenous people from along the Rio Grande in South Texas.

SEACREST WEALTH MANAGEMENT, LLC

SeaCrest Wealth Management, LLC ("SWM") provides wealth management services to Registered Investment Advisors throughout the United States.

TRILLIUM ASSET MANAGEMENT CORPORATION

Trillium Asset Management Corporation ("Trillium") is the oldest and largest independent investment management firm in the U.S. exclusively devoted to socially responsible investing. Trillium has a deep commitment to advancing environmental sustainability, social justice and human rights through innovative investment, research, and advocacy.

Appendix

TULSA METROPOLITAN MINISTRY

Tulsa Metropolitan Ministry is a 70-year old organization that began as an ecumenical alliance and is now an inter-faith organization. The mission of Tulsa Metropolitan Ministry is to bring together the faith communities of metropolitan Tulsa to promote understanding, cooperation, and service.

THE UNITARIAN UNIVERSALIST ASSOCIATION

The Unitarian Universalist Association is a religious association of more than 1,000 congregations in the United States and North America. Through its democratic process, the Association adopts resolutions consistent with its fundamental principles and purposes. Among those principles is a covenant to affirm and promote the inherent worth and dignity of every person. The Association adopted resolutions in 2000 and 2001 in support of Native American communities fighting against the racism implicit in the use of offensive symbols, names and mascots by sports teams.